

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 5, 2002**

**IN RE:**

**APPROVAL OF RESALE AGREEMENT  
AND AMENDMENT THERETO  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
HOLT & COMPANY(i) PURSUANT TO  
SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF  
1996**

**DOCKET NO. 02-00611**

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**ORDER APPROVING  
RESALE AGREEMENT AND AMENDMENT**

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This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Deborah Taylor Tate, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of Resale Agreement and Amendment Thereto Negotiated Between BellSouth Telecommunications, Inc. and Holt & Company(I) Pursuant to the Telecommunications Act of 1996* (the "Agreement and Amendment"). The Agreement and Amendment were filed on May 23, 2002.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendment and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The Agreement and Amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The Agreement and Amendment are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

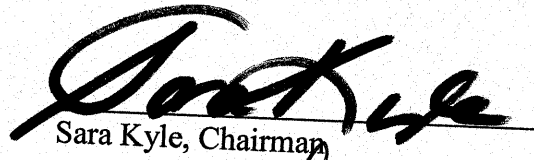
6) The Agreement and Amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

**IT IS THEREFORE ORDERED THAT:**

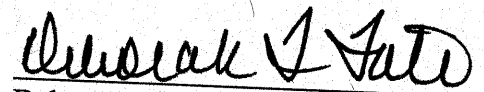
The Resale Agreement and Amendment thereto negotiated by BellSouth Telecommunications, Inc. and Holt & Company(i) are approved and are subject to the review of the Authority as provided herein.



Sara Kyle, Chairman



Pat Miller, Director



Deborah Taylor Tate, Director